

REMARKS

This Application has been carefully reviewed in light of the final Office Action mailed October 9, 2003 (the "Office Action"). At the time of the Office Action, Claims 1-38 were pending in this patent application and stand rejected. Applicants amend Claims 1, 3, 11, 13, and 31 and cancel Claims 2, 5, 12, 15, and 32 without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Interview Summary

Applicants' attorney, Mr. Kurt M. Pankratz (Reg. No. 46,977), conducted a telephonic interview with Examiner Myhre on November 19, 2003. Applicant thanks the Examiner for the courtesy and opportunity to conduct the interview. During the interview, the Examiner and Mr. Pankratz discussed the Examiner's rejections of the Claims. The Examiner and Mr. Pankratz discussed and noted features of the claims that may make the claims patentable, but reached no firm conclusions regarding the allowability of the claims.

Rejections Under 35 U.S.C. § 101

The Examiner rejects Claims 1-20 and 31-38 under 35 U.S.C. § 101, asserting that the claimed invention is directed to non-statutory subject matter. Applicants feel that the claims as originally submitted are drawn to statutory subject matter. However, the Examiner agreed during the interview that the claims as presented in their currently amended form are drawn to statutory subject matter. Therefore, Applicants respectfully request the Examiner to withdraw the rejection to the claims under 35 U.S.C. § 101.

Double Patenting

The Examiner has indicated that Claims 1-38 conflict with Claims 1-32 of Application Serial No. 09/470,588. As noted in the previous response, Applicants will maintain a clear demarcation between the applications. Moreover, as discussed with the Examiner during the interview, Applicants will file a terminal disclaimer if necessary.

Claim Rejections – 35 U.S.C. §103

The Examiner rejects Claims 1-38 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,791,991 to Small ("*Small*") in view of U.S. Patent No. 6,330,544 to Walker et al. ("*Walker*"). As discussed in the Examiner Interview, Applicants respectfully submit that the claims, as presently presented, include numerous limitations not shown or suggested by *Walker* or *Small*, whether taken alone or in combination. For example, Claim 1, as currently amended, recites:

1. A computer-based interface for facilitating rebate processing, the interface operable to:
 - display a plurality of product identifiers using the computer-based interface, wherein each of the product identifiers is associated with a product bearing a rebate;
 - receive purchase information from a user, wherein the purchase information identifies a purchased product associated with a selected one of the product identifiers;
 - receive a rebate request for a rebate on the purchased product, the rebate request having an associated rebate transaction identifier assigned by a remote rebate processing center;
 - retrieve status information for the rebate request from the remote rebate processing center using the rebate transaction identifier;
 - display the status information;
 - receive authorization of the rebate request;
 - display rebate information retrieved from the remote rebate processing center, the rebate information comprising at least two disbursement options determined based on the purchase information, a first one of the disbursement options having a first cash value to a recipient and a second one of the disbursement options having a second cash value to a recipient, the first cash value different than the second cash value; and
 - receive a selection of the disbursement options.

Applicants respectfully submit that the *Walker-Small* combination fails to teach or suggest all elements of this claim. Claims 11 and 21 include similar limitations that also are not disclosed by the *Walker-Small* combination.

Moreover, Claim 31 includes various different limitations that are also patentably distinct from the teachings of *Walker* and *Small*, whether taken alone or in combination. Claim 31, as currently amended, recites:

31. A method for processing a rebate, comprising:
- receiving purchase information identifying a product bearing a rebate;
 - communicating the purchase information to a remote rebate processing center using an electronic communications network;
 - receiving rebate information describing the rebate from the remote rebate processing center, the rebate information comprising at least two disbursement options, a first one of the disbursement options having a first cash value to a recipient and a second one of the disbursement options having a second cash value to a recipient, the first cash value different than the second cash value; and
 - displaying the rebate information;
- receiving consumer information from the user, wherein the consumer information identifies a purchase of the product bearing the rebate;
- communicating the consumer information to the remote rebate processing center to initiate a rebate request;
 - receiving a rebate transaction identifier from the remote rebate processing center, the rebate transaction identifier assigned to the rebate request by the remote rebate processing center;
 - outputting the rebate transaction identifier for physical delivery to the remote rebate processing center;
 - retrieving status information for the rebate request from the remote rebate processing center using the rebate transaction identifier; and
 - displaying the status information.

Applicants respectfully submit that the *Walker-Small* combination fails to teach or suggest all elements of this claim. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the rejection to Claims 1, 11, 21, and 31 and their respective dependent claims based upon the *Walker-Small* combination.

Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is hereby authorized to charge any other fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Kurt M. Pankratz
Reg. No. 46,977

Address correspondence to:

2001 Ross Avenue
Dallas, Texas 75201-2980
Tel. 214.953.6584; Fax. 214.661.4584

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